

**Introduced by Senator Hollingsworth**

February 22, 2005

---

An act to amend Section 3000 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1074, as introduced, Hollingsworth. Parole: Global Positioning System device.

Existing law provides for varying terms of parole, including terms not exceeding 3 years or 5 years, as specified, and subject to exceptions.

This bill would provide that inmates released on parole, who have been identified as "high-risk sex offenders," as defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 290.45, shall be monitored by a Global Positioning System device. Further the Department of Corrections would be required to maintain the G.P.S. records of each parolee's whereabouts and upon the request of local law enforcement, provide information about a parolee's movements to compare with incidents of sex offenses reported to local law enforcement agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3000 of the Penal Code is amended to  
2 read:  
3 3000. (a) (1) The Legislature finds and declares that the  
4 period immediately following incarceration is critical to  
5 successful reintegration of the offender into society and to  
6 positive citizenship. It is in the interest of public safety for the

1 state to provide for the supervision of and surveillance of  
2 parolees, including the judicious use of revocation actions, and to  
3 provide educational, vocational, family and personal counseling  
4 necessary to assist parolees in the transition between  
5 imprisonment and discharge. A sentence pursuant to Section  
6 1168 or 1170 shall include a period of parole, unless waived, as  
7 provided in this section.

8 (2) The Legislature finds and declares that it is not the intent  
9 of this section to diminish resources allocated to the Department  
10 of Corrections for parole functions for which the department is  
11 responsible. It is also not the intent of this section to diminish the  
12 resources allocated to the Board of Prison Terms to execute its  
13 duties with respect to parole functions for which the board is  
14 responsible.

15 (3) The Legislature finds and declares that diligent effort must  
16 be made to ensure that parolees are held accountable for their  
17 criminal behavior, including, but not limited to, the satisfaction  
18 of restitution fines and orders.

19 (4) Any finding made pursuant to Article 4 (commencing  
20 with Section 6600) of Chapter 2 of Part 2 of Division 6 of the  
21 Welfare and Institutions Code, that a person is a sexually violent  
22 predator shall not toll, discharge, or otherwise affect that person's  
23 period of parole.

24 (b) Notwithstanding any provision to the contrary in Article 3  
25 (commencing with Section 3040) of this chapter, the following  
26 shall apply:

27 (1) At the expiration of a term of imprisonment of one year  
28 and one day, or a term of imprisonment imposed pursuant to  
29 Section 1170 or at the expiration of a term reduced pursuant to  
30 Section 2931 or 2933, if applicable, the inmate shall be released  
31 on parole for a period not exceeding three years, except that any  
32 inmate sentenced for an offense specified in paragraph (3), (4),  
33 (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5  
34 shall be released on parole for a period not exceeding five years,  
35 unless in either case the parole authority for good cause waives  
36 parole and discharges the inmate from the custody of the  
37 department. *Every inmate defined as a "high-risk sex offender"*  
38 *pursuant to subparagraph (A) of paragraph (1) of subdivision (b)*  
39 *of Section 290.45, who is released on parole pursuant to this*  
40 *section, shall, as a condition of his or her parole, be monitored*

1 *by a Global Positioning System device for the term of his or her*  
2 *parole. The department shall maintain a database that records*  
3 *the parolee's whereabouts, and upon the request of local law*  
4 *enforcement provide that information for the purpose of*  
5 *comparing the geographic correlation of the parolee's location*  
6 *to sexual offense reports made to local law enforcement*  
7 *agencies.*

8 (2) In the case of any inmate sentenced under Section 1168,  
9 the period of parole shall not exceed five years in the case of an  
10 inmate imprisoned for any offense other than first or second  
11 degree murder for which the inmate has received a life sentence,  
12 and shall not exceed three years in the case of any other inmate,  
13 unless in either case the parole authority for good cause waives  
14 parole and discharges the inmate from custody of the department.  
15 This subdivision shall also be applicable to inmates who  
16 committed crimes prior to July 1, 1977, to the extent specified in  
17 Section 1170.2.

18 (3) Notwithstanding paragraphs (1) and (2), in the case of any  
19 offense for which the inmate has received a life sentence  
20 pursuant to Section 667.61 or 667.71, the period of parole shall  
21 be five years. Upon the request of the Department of Corrections,  
22 and on the grounds that the paroled inmate may pose a  
23 substantial danger to public safety, the Board of Prison Terms  
24 shall conduct a hearing to determine if the parolee shall be  
25 subject to a single additional five-year period of parole. The  
26 board shall conduct the hearing pursuant to the procedures and  
27 standards governing parole revocation. The request for parole  
28 extension shall be made no less than 180 days prior to the  
29 expiration of the initial five-year period of parole.

30 (4) The parole authority shall consider the request of any  
31 inmate regarding the length of his or her parole and the  
32 conditions thereof.

33 (5) Upon successful completion of parole, or at the end of the  
34 maximum statutory period of parole specified for the inmate  
35 under paragraph (1), (2), or (3), as the case may be, whichever is  
36 earlier, the inmate shall be discharged from custody. The date of  
37 the maximum statutory period of parole under this subdivision  
38 and paragraphs (1), (2), and (3) shall be computed from the date  
39 of initial parole or from the date of extension of parole pursuant  
40 to paragraph (3) and shall be a period chronologically

1 determined. Time during which parole is suspended because the  
2 prisoner has absconded or has been returned to custody as a  
3 parole violator shall not be credited toward any period of parole  
4 unless the prisoner is found not guilty of the parole violation.  
5 However, in no case, except as provided in Section 3064, may a  
6 prisoner subject to three years on parole be retained under parole  
7 supervision or in custody for a period longer than four years from  
8 the date of his or her initial parole, and, except as provided in  
9 Section 3064, in no case may a prisoner subject to five years on  
10 parole be retained under parole supervision or in custody for a  
11 period longer than seven years from the date of his or her initial  
12 parole or from the date of extension of parole pursuant to  
13 paragraph (3).

14 (6) The Department of Corrections shall meet with each  
15 inmate at least 30 days prior to his or her good time release date  
16 and shall provide, under guidelines specified by the parole  
17 authority, the conditions of parole and the length of parole up to  
18 the maximum period of time provided by law. The inmate has the  
19 right to reconsideration of the length of parole and conditions  
20 thereof by the parole authority. The Department of Corrections or  
21 the Board of Prison Terms may impose as a condition of parole  
22 that a prisoner make payments on the prisoner's outstanding  
23 restitution fines or orders imposed pursuant to subdivision (a) or  
24 (c) of Section 13967 of the Government Code, as operative prior  
25 to September 28, 1994, or subdivision (b) or (f) of Section  
26 1202.4.

27 (7) For purposes of this chapter, the Board of Prison Terms  
28 shall be considered the parole authority.

29 (8) The sole authority to issue warrants for the return to actual  
30 custody of any state prisoner released on parole rests with the  
31 Board of Prison Terms, except for any escaped state prisoner or  
32 any state prisoner released prior to his or her scheduled release  
33 date who should be returned to custody, and Section 3060 shall  
34 apply.

35 (9) It is the intent of the Legislature that efforts be made with  
36 respect to persons who are subject to subparagraph (C) of  
37 paragraph (1) of subdivision (a) of Section 290 who are on parole  
38 to engage them in treatment.

O